IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Con.Case(C).No. 206 of 2007(S)

AGAINST THE JUDGEMENT IN MFA.1530/2001 Dated 13/07/2004
(JUDGMENT IN CON.CASE (C) NO.996 OF 2006 DATED 12.9.2006

PETITIONER/RESPONDENT

A.V.ROJER, S/O.AMBROSE,
AGED 46 YEARS, NIRMALA BHAVAN,
HOSPITAL JUNCTION, PARASSALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENT: APPELLANT

J.JANET SUDHA, D/O.MARY JOSEPH,
AGED 38 YEARS, SWADHINATHA, MADAVILAKOM,
KOLLENGODU, KANYAKUMARI DISTRICT, TAMILNADU.

BY ADV. SRI.K.N.CHANDRABABU

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

.....

CONTEMPT CASE (C)No. 206 OF 2007

.....

Dated this the 25th June, 2007.

J U D G M E N T

H.L. Dattu, C.J.:

Pursuant to the directions issued by us, the respondent is present before us along with the children.

2. This Court, while disposing of M.F.A.No. 1530 of 2001 dated 13th July, 2004, had issued the following directions:

> *"8. As regards the interim custody of the children, we note that it is the midst of the academic year. Therefore, the interim arrangement already made need not be disturbed. Both the children will continue to stay with their mother and they will be allowed to be taken by their father on all holidays including second Saturdays and Sundays, Pooja holidays and all intervening holidays as per the school calendar without disturbing their studies, till the disposal of the matter. If any obstruction is caused to the father in taking the children during the holidays, strict action will be taken by the Court if a petition to that effect is filed by the father."*

3. In the Review Petition filed, this Court, by order dated 19th August, 2004, has modified the earlier order . The modified order reads as under:

> *"2. In the above circumstances, until further orders the petitioner (father) shall report periodically to the*

Kollangode Police Station, which according to the learned counsel is nearest Police Station, at 10 a.m. on second Saturdays and beginning of all the other holidays and respondent (mother) either herself or by her representative hand over the children to the petitioner at that time. He shall return back the children at 4 p.m. on Sunday and last day of all the intervening holidays at the Police Station. The respondent need not go personally to the police station but her relatives can be authorised to take back the children at that time.".

4. The complainant is before us inter alia bringing to our notice that the respondent has disobeyed the orders and directions issued by this court in M.F.A.No. 1530 of 2001 dated 13th July 2004 and in the Review Petition No. 607 of 2004 dated 19th August, 2004.

5. While admitting the Contempt case, notice had been issued to the respondent. She has filed her counter affidavit before this Court. In the counter affidavit, she has explained the reasons for not complying with the orders and directions issued by this Court earlier.

6. We have perused the explanation offered by the respondent. We are satisfied with the explanation . Further, the respondent has offered her unconditional apology to this Court . Having gone through the explanation offered and the unconditional apology tendered, we intend not only to accept the explanation offered by the respondent but also the

unconditional apology tendered by her.

7. The respondent has also stated at paragraph 5 of the affidavit, as under:

> *"It is further submitted that the respondent herein shall comply with the orders of this Hon'ble Court without any default hereafter, without prejudice to the right of this respondent to approach the competent court for modification of the order of interim custody."*

8. Placing on record the affidavit so filed by the respondent, for the present, we dispose of this Contempt Case. If, for any reason, the respondent disobeys the orders and directions issued by this Court, the complainant is at liberty to approach this Court by filing appropriate Contempt case.

9. I.A.Nos. 266, 291, 326 and 327 of 2007 are also disposed of.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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